

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Golovchinsky, et al.
Appl. No.: 09/944,817
Confirm. No.: 2360
Filed: August 31, 2001
Title: DETECTION AND PROCESSING OF
ANNOTATED ANCHORS

PATENT APPLICATION

Art Unit: 2176
Examiner: Laurie Anne Ries

Customer No. 23910

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being electronically or facsimile transmitted to the United States Patent and Trademark office on the date shown below.

/Thomas K. Plunkett/ (Attorney Signature)
Thomas K. Plunkett, Reg. No. 57,253
Signature Date: June 19, 2007

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request reconsideration/reinstatement of the Patent Term Adjustment (PTA) indicated in the Determination of Patent Term Adjustment under 35 U.S.C. §154 (b) dated March 21, 2007 and mailed with the Notice of Allowance for the above-referenced application.

A review of the PTA details for this application available via the USPTO's Patent Application Information Retrieval (PAIR) system indicates an apparent error in the Determination of Patent Term Adjustment for this application. Applicants respectfully request that the USPTO review this determination for accuracy.

This request is being submitted at the same time as payment of the Issue Fee.

In accordance with §1.705(b), Applicants submit the following in connection with their request for reconsideration/reinstatement of Patent Term Adjustment.

Pursuant to §1.705(b)(1), payment of the \$200.00 fee for filing an application for patent term adjustment under §1.705, pursuant to § 1.18(e), is enclosed.

Pursuant to §1.705(b)(2), a statement of the facts involving this request is provided as follows:

The correct, current patent term adjustment for this application is **694** days.

The basis for the adjustment is: (1) 37 C.F.R. §1.702(a)(1), specifically, the USPTO failed to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed, resulting in a USPTO delay of **743** days; (2) 37 C.F.R. §1.702(a)(2), specifically, the USPTO failed to respond to a reply not later than four months after the date on which the reply was filed, resulting in a USPTO delay of **53** days; (3) 37 C.F.R. §1.704, specifically, a delay on the part of the applicant for not responding to the Notice to File Missing Parts of Nonprovisional Application until more than three months following the mailing date of the Notice to File Missing Parts, which resulted in a **13** day applicant delay; (4) 37 C.F.R. §1.704, specifically, a delay on the part of the applicant for not responding to an Office Action until more than three months following the mailing date of the Office Action, resulting in a **32** day applicant delay; (5) 37 C.F.R. §1.704, specifically, a delay on the part of the applicant for not responding to a final rejection until more than three months following the mailing date of the final rejection, resulting in a **1** day applicant delay; and (6) 37 C.F.R. §1.704, specifically, a delay on the part of the applicant for not responding to an Office Action until more than three months following the mailing date of the Office Action, resulting in a **56** day applicant delay.

The relevant dates for which an adjustment is sought and to which the patent is entitled are as follows:

- (1) PTO delay: The filing date of the above-referenced application is August 31, 2001. Fourteen months after the filing date of the application is October 31, 2002. A non-final rejection was mailed by the USPTO on November 12, 2004, **743** days after August 31, 2001. (**Note**: a first Office Action was originally mailed by the USPTO on July 29, 2004, but was erroneously sent by the USPTO to a correspondence address associated with a different law firm's Customer Number and returned by that law firm to the USPTO as undelivered, because that law firm should not have been listed as the correspondence address. Examiner Reis then issued a new first Office Action mailed November 12, 2004, restarting the reply period. Thus, the correct calculation of patent term adjustment for this first non-final Office Action, mailed November 12, 2004, is **743** days. There should be no applicant delay associated with the July 29, 2004 Office Action. The Patent Term Adjustment History in PAIR improperly attributes a 105-day delay to Applicants following Applicants' reply to the first Office Action. Applicants respectfully submit that the Reply filed by Applicants on February 11, 2005 to the first Office Action mailed November 12, 2004 was within the three-month response period, and that the 105-day delay assessed following Applicants' reply is improper because the response period was restarted on November 11, 2004.)

A reply to the first Office Action was filed by Applicants on February 11, 2005. Four months after February 11, 2005 is June 11, 2005. A second Office Action was mailed August 3, 2005, **53** days after June 11, 2005.

- (2) Applicant delay: A Notice to File Missing Parts of Nonprovisional Application was mailed by the USPTO on October 4, 2001. Three months after the mailing date of the Notice is

January 4, 2002. Applicants' response to the Notice to File Missing Parts was received by the USPTO/OIPE on January 17, 2002, **13** days after January 4, 2002.

A second Office Action was mailed by the USPTO on August 3, 2005. Three months after the mailing date of the Office Action is November 3, 2005. Applicants' response to the second Office Action was received by the USPTO/OIPE on December 5, 2005, **32** days after November 3, 2005.

A final Rejection was mailed by the USPTO on February 21, 2006. Three months after the mailing date of the Office Action is May 21, 2006. Applicants' Request for Continued Examination and response to the final rejection were received by the USPTO/OIPE on May 22, 2006, **1** day after May 21, 2006.

A non-final Office Action was mailed by the USPTO on August 8, 2006. Three months after the mailing date of the Office Action is November 8, 2006. Applicants' response to the Office Action was received by the USPTO/OIPE on January 3, 2007, **56** days after November 8, 2006.

Based on the above, Applicants respectfully submit that a 102-day delay occurred on the part of the Applicants (not a 207-day delay) and that a 796-day delay occurred on the part of the USPTO (not a 690-day delay), and that the correct patent term adjustment for this application is currently **694** days.

The above-referenced application/patent is not subject to a terminal disclaimer.

Based on the foregoing, Applicants respectfully request that the USPTO reconsider its Determination.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: June 19, 2007

By: /Thomas K. Plunkett/
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